

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

ALBERTO GOMEZ,

Plaintiff,

v.

No. 2:23-cv-268 MIS/KRS

WAL-MART STORES EAST, L.P.,  
WALMART SUPERCENTER STORE NO. 868,

Defendants.

**SCHEDULING ORDER**

**THIS MATTER** comes before the Court following a telephonic Rule 16 scheduling conference held on August 17, 2023. At the hearing, the Court adopted the parties' proposed Joint Status Report and Provisional Discovery Plan, with slight modifications, as reflected in the dates below.

Accordingly, **IT IS HEREBY ORDERED** that the parties shall adhere to the following discovery plan:

(a) Maximum of forty-five (45) interrogatories by each party to any other party.

Responses due 30 days after service unless extensions agreed to by the parties.

(b) Maximum of forty-five (45) requests for production by each party to any other party.

Responses due 30 days after service unless extensions agreed to by the parties.

(c) Maximum of thirty (30) requests for admission by each party to any other party.

Responses due 30 days after service unless extensions agreed to by the parties.

(d) Maximum of ten (10) depositions by Plaintiff and ten (10) by Defendants, unless

otherwise agreed to by the parties. Depositions of parties and experts shall be limited to maximum of seven (7) hours each, and depositions of other witnesses shall be

limited to a maximum of seven (7) hours each, unless extended by agreement of the parties.

**IT IS FURTHER ORDERED** that the following case management deadlines shall govern:

- (a) Deadline for Plaintiff to amend pleadings and join additional parties pursuant to Federal Rule of Civil Procedure 15: **October 9, 2023**;
- (b) Deadline for Defendants to amend pleadings and join additional parties pursuant to Federal Rule of Civil Procedure 15: **November 9, 2023**;
- (c) Deadline for Plaintiff's expert reports: **February 2, 2024**;
- (d) Deadline for Defendants' expert reports: **March 18, 2024**;
- (e) Termination of discovery: **April 12, 2024**;
- (f) Deadline for supplementing discovery/disclosures: Due in accordance with the Federal Rules of Civil Procedure;
- (g) Motions relating to discovery: **May 2, 2024**;
- (h) All other motions:<sup>1</sup> **May 13, 2024**;
- (i) Pretrial order: To be set by the presiding judge.

**IT IS FURTHER ORDERED** that the Court must approve any changes to the timing or scope of discovery, other than the parties' agreement to extend the length of a deposition made during the deposition in question. Requests by a party to change the timing or scope of discovery, other than a mutual agreement to extend a deposition reached during the deposition, must be made by motion and before the termination of discovery or the expiration of any

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<sup>1</sup> This deadline applies to motions related to the admissibility of experts or expert testimony that may require a *Daubert* hearing, but otherwise does not apply to motions *in limine*. The Court will set a motions *in limine* deadline in a separate order.

applicable deadline. Discovery must be completed on or before the termination of the discovery deadline. A written discovery request must be propounded by a date which ensures that the response to that request is due on or before the discovery deadline. The parties are further reminded that the cutoff for motions related to discovery does not relieve the party of the twenty-one (21) day time period under Local Rule 26.6 to challenge a party's objections to answering discovery. The parties are encouraged to review Federal Rule of Civil Procedure 26(a)(2) to ensure they properly disclose *all* testifying witnesses, not just those for whom a report is required.

A handwritten signature in black ink, reading "Kevin Sweazea". The signature is written in a cursive, flowing style. The first name "Kevin" is written in a smaller, more compact script, while "Sweazea" is written in a larger, more expansive script with a long, sweeping tail on the final letter.

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KEVIN R. SWEAZEA  
UNITED STATES MAGISTRATE JUDGE